

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION**

WRIT PETITION NO.4650 OF 1999

Vishwas Waman Ahire ..Petitioner

Vs.

State of Maharashtra & Ors. ..Respondents

Mr.Anil V. Anturkar for Petitioner

Mr.A.P.Vanarshe, A.G.P. for Respondents

**CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 3RD MARCH, 2005.**

P.C.

. The Petitioners were teachers working in Ashram Schools. Respondents State issued a G.r. dated 5th February, 1999 where by teachers working in Ashram School who do not have a training qualification could appear for the postal D.Ed. course provided they meet with the criteria. The Respondents immediately after the G.R. issued notice dated 16th July, 1999 whereby it was directed by the District Social Welfare Officer, Pune District that untrained teacher be terminated by virtue of circular dated 10th March, 1999 and it was not the responsibility of the Government of Maharashtra to pay the payments to the untrained teachers.

. Petitioners aggrieved by the order preferred

the present Petition. When the matter came up for admission Rule was issued on 23rd August, 1999 at the same time interim relief was granted in terms of prayer clause (b) subject to the Petitioners getting themselves enrolled in the correspondence course by 30th December, 1999.

3. A reply has been filed by District Social Welfare Officer, Pune dated 11th April, 2000 . In paragraph one it is set out that up to June, 1999 nobody amongst the Petitioners were admitted for postal training course. Additional facts to be noted is that the Petition, in so far as Petitioners Nos. 1 and 2 are concerned was withdrawn and as such survives in so far as Petitioner Nos.3 to 6.

. Learned Counsel for the Petitioners further states that he is not in a correct position to state the factual position as of today as the Petitioners have not contacted him.

. We do not propose to go into the issues, raised considering the order to be passed. If the Petitioners by now have passed the examination and continue in employment, their services will be protected in other words they will not be terminated. In the event they have not completed

the course as of now it is open to the Respondents to take steps to give effect to the earlier directions as contained in letter dated 16th July, 1999. If in service and were working and paid any wages, those amounts will not be recovered. Rule made partly absolute accordingly. No order as to costs.

(F.I.REBELLO, J.)

(S.P. KUKDAY, J.)